

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: THE TOWNHOMES AT FELIDA PARK
SUBDIVISION

Case Number: PLD2006-00076; SEP2006-00137; VAR2006-00023

Location: North side of NW 122nd Street near NW 36th Avenue

Request: The applicant is proposing to subdivide 1.14 acres into 18 single-family residential lots, utilizing the townhouse development provisions, for a property located in the R-18 zone.

Applicant: Falcon's Rest, LLC
PO Box 871328
Vancouver, WA 98687
(360) 883-1880; (360) 883-1884 [Fax]
t.m.gray@comcast.net

Contact Person: Olson Engineering, Inc
Attn: Mike Odren
1111 Broadway
Vancouver, WA 98660
(360) 695-1385; (360) 695-8117 [Fax]
mikeo@olsonengr.com

Property Owner: Zephyr Communities, LLC
PO Box 871328
Vancouver, WA 98687
(360) 833-1880

RECOMMENDATION **Approve subject to Conditions**

Team Leader's Initials: _____ **Date Issued:** September 13, 2006

Public Hearing Date: September 28, 2006

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Jan Bazala	4499	jan.bazala@clark.wa.gov
Engineer (Trans. & Stormwater):	Doug Boheman	4219	doug.boheman@clark.wa.gov
Engineer (Trans. Concurrency):	Richard Gamble, P.E.	4384	richard.gamble@clark.wa.gov
Team Leader:	Susan Ellinger	4272	susan.ellinger@clark.wa.gov
Engineer Supervisor: (Trans. & Stormwater):	Sue Stepan P.E.	4102	sue.stepan@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency):	Steve Schulte P. E.	4017	steve.schulte@clark.wa.gov
Fire Marshal Office	Tom Scott	3323	tom.scott@clark.wa.gov

Comp Plan Designation: UM (Urban Medium Density Residential)

Parcel Number(s): 187767-000

Applicable Laws:

Clark County Code: Title 14 (Buildings & Structures), Title 15 (Fire Prevention), Title 24 (Public Health), Section 40.220.020 (Residential & Office Residential District), Section 40.260 (Special Uses & Standards), Section 40.320 (Landscaping), Section 40.350, (Transportation), Section 40.350.020 (Transportation Concurrency), Section 40.380 (Storm Water Drainage and Erosion Control), Sections 40.500 and 40.510 (Procedures), Section 40.540 (Land Division Ordinance), Section 40.550.020 (Variances), Section 40.570 (SEPA), Section 40.570 (SEPA Archaeological), Section 40.610 (Impact Fees), RCW 58.17, and the Clark County Comprehensive Plan.

Neighborhood Association/Contact:

Felida Neighborhood Association

Milada Allen, President

PO Box 61552

Vancouver, WA 98666

573-4030

E-mail: gaudeamus@earthlink.net

Time Limits:

The application was determined to be fully complete on July 18, 2006 (see Exhibit No. 5). Therefore, the County Code requirement for issuing a decision within 92 days lapses on October 18, 2006. The State requirement for issuing a decision within 120 calendar days, lapses on November 15, 2006.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for

preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on February 9, 2006. The pre-application conference information was sufficiently complete to qualify for contingent vesting. The application was determined Fully Complete on July 18, 2006, and was submitted within the required 180 days from issuance of the Pre-Application Conference Report. Therefore, the vesting date is January 19, 2006 (i.e., application submittal date of the pre-application).

There are no issues regarding vesting.

Public Notice:

Notice of application and public hearing was mailed to the applicant, The Felida Neighborhood Association and property owners within 300 feet of the site on August 1, 2006. One sign was posted on the subject property and two within the vicinity on September 13, 2006. Notice of the likely SEPA Determination and public hearing was published in the "Columbian" Newspaper on August 1, 2006.

Public Comments:

Phil Burnett (521-4005), owner of the property directly east of the site, visited the Community Development office on September 5, 2006. He claimed that he has maintained approximately 18 feet of what is portrayed on the preliminary plat as the easternmost section of the townhome site. I advised Mr. Burnett that barring an obvious surveyor's error, the issue would be a civil matter, and that the county could not delay preliminary approval based on a potential lot line dispute. Mr. Burnett has hired an attorney, Jerry Eline ((360) 737-1978), who stated to staff via telephone on September 11, 2006 that Mr. Burnett will be filing an adverse possession claim for the eastern 18 feet of the subject property.

Project Overview

The subject property is located one lot west of the intersection of NW 122nd Street and NW 36th Avenue. The site is vacant, and consists of a mostly level open grass field. No wetlands, habitat or geologic hazard areas are known to exist on the site.

The site is located within the Vancouver School District, Fire District #6, the Clark Regional Wastewater Sewer District, the Clark Public Utilities Water District and Park District #9.

The applicant is proposing to divide approximately 1.17 acres in the R-18 zone into eighteen (18) single-family attached residential lots. Parcels range in size from 2,700 square feet to 3,363 square feet. Access is provided by nine shared driveways onto NW 122nd Street. The proposed plan calls for half-width street improvements to the north side of NW 122nd Street.

Across NW 122nd Street is the site of Falcon's Rest PUD, which received preliminary plat approval for 73 single family and multifamily units in 2004. A post decision review in June of 2006 reduced the number of units to 64.

The applicant submitted a subdivision application, a variance application to allow four foot side setbacks, and a SEPA checklist.

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	Urban Medium Density Residential	R-18	Vacant
North	Community Commercial	C-3	Felida Park parking lot
East	Community Commercial	C-3	1 single family dwelling (Phil Burnett property)
South	Urban Medium Density Residential	R-18	Vacant parcel that has preliminary approval for the Falcon's Rest PUD
West	Urban Low Density Residential	R-10	Entrance to Felida Park

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts could be mitigated through application of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposal not discussed below comply with the applicable code requirements.

LAND USE:

Finding 1 Townhouse Development Eligibility

The applicant is proposing to develop this project as a townhouse subdivision under provisions set forth in CCC 40.260.230.B. The subject 1.17-acre parcel meets eligibility criteria for such developments in that it is located within an R-18 zoning district.

Finding 2 Lot Standards

Standards for creating lots under townhouse provisions of the ordinance are set forth in Table 40.260.230-1. These include:

Density and Lot Size: In the R-18 zone, the minimum density allowed is 12 units per acre with the maximum density set at 18 units per acre. In addition, a minimum lot area of 1,800 square feet is required.

Per CCC 40.200.040.B, maximum density is based on the lot area minus public road right of way. According to the applicant, the net area of the site is 1.14 acres after additional dedication for NW 122nd Street. Eighteen units divided by 1.14 acres equals 15.7 dwelling units per acre, which falls within the allowed density range of the R-18 zone.

Lot Dimensions: For townhouse developments in the R-18 zoning district, the minimum lot width is 25 feet and the minimum lot depth is 50 feet. The maximum lot coverage is 65%. All the proposed lots meet the above standards.

Garage door dominance: CCC 40.260.230.C.5 specifies that no more than 40 percent of the total square footage of the front façade of each townhouse unit may be devoted to garage door area. Based on a review of building elevations submitted as part of the application materials, the garage doors meet the above standard.

Building height: Table 40.260.230-1 also limits buildings to a maximum height of 35 feet. A review of the submitted building elevations shows a maximum roof height of approximately 40 feet. The applicant was notified of the discrepancy, and responded that the maximum building heights were not intended to exceed 35 feet. The applicant acknowledges that if the buildings are not re-designed to meet the 35 foot maximum requirement, a post decision review and variance will be necessary. **(See Condition A-13)**

Townhouse parking: One parking space per dwelling unit is required by CCC 40.260.230.C.6.a. In addition, required parking is to be provided either on the same lot as the dwelling, or in shared parking areas located primarily to the rear of or beneath the units. Submitted floor plans show each townhouse unit with one garage space. The site plan shows a 22 foot setback to the garage doors which provides one additional parking space in front of each unit.

Finding 3 - Setbacks: Setbacks applicable to each lot within the proposed townhouse development are as follows:

Front to a garage or carport --18 feet
Front to dwelling space —10 feet
Interior side to common wall —0 feet
Interior side other than to common wall —5 feet
Street side —10 feet
Rear —5 feet

The proposed plan meets all but the side setback requirement. The applicant has requested a variance to allow a 4 foot side setback for lots 1 through 17. **(See Finding 4, below)**

Finding 4 Variance to Side Setback

The proposed 4 foot building setback variance qualifies as a Type II administrative variance, however CCC 40.550.020(A)(4)(a), requires that the variance request be combined with the subdivision application and reviewed under a Type III process.

In order to grant approval of the variance, CCC 40.550.020(A)(3) specifies the examiner find, based on substantial evidence in the record, that the applicant has sustained the burden of proving the variance comply with the following criteria:

- a. Granting the variance(s) will not substantially detract from the livability or appearance of a residential area or from the desired character of a nonresidential area, or the variance(s) will substantially enhance the livability or appearance of a residential area or the desired character of a nonresidential area, such as by preserving or protecting significant natural, scenic, historic, cultural, open space or energy resources; and
- b. If variances to more than one (1) regulation are being requested, the cumulative effect of the variances shall be consistent with the purpose of the zone in which the site is situated; and
- c. Adverse impacts resulting from the variance(s) are mitigated to the extent practical; and
- d. The variance(s) does not substantially impair or impede the availability or safety of access that would otherwise exist for vehicles or for pedestrians, or alternative access is provided.

According to the applicant, the reduction in setback will not be readily apparent, and the construction of a solid sight-obscuring fence in the landscape buffers in addition to the proposed arborvitae plantings will mitigate any potential impacts from the reduced setback. The applicant further states that Table 40.220.020-3 allows an 8-foot building separation for single family dwellings in the R-18 zone, which theoretically coincides to a four foot setback from property lines.

Staff concurs with the applicant's assessment, and recommends approval of the side yard building setback variance. Foundation footprints shall maintain a minimum four foot setback from side property lines. Overhanging architectural features, including gutters, shall maintain a minimum three foot setback from property lines unless appropriate fire rated construction is utilized. **(See Condition A-14)**

Finding 5 Landscaping

Per CCC 40.220.020.C.5, a minimum of 20 percent of the site is required to be landscaped. The submitted plan meets this standard.

Per Table 40.320.010-1, landscape buffers are required as follows:

- West side -- 5 foot wide L-3 buffer
- North and east sides – 10 foot wide L-3 buffer
- South side -- 5 foot wide L-1 buffer

The applicant has proposed a four foot wide buffer along the west property line (which coincides with the requested 4 foot side building setback), and an 8 foot buffer along the east side of the site. Both the west and east buffers are L-3 (high screen) buffers that can utilize either shrubs or a six foot high fence for screening purposes. To offset impacts from the reduced buffer width, the applicant has proposed both a 6 foot high solid fence in addition to arborvitae trees within these reduced buffers. CCC 40.320.010.C.7 allows the responsible official to approve alternate landscape designs that meet the intent of the buffer types. Staff believes that the combination of fencing along with the arborvitae meet the intent of the required buffers while allowing the reduction in width.

CCC 40.320.010.B.3.b requires one tree every 30 feet in L1 and L3 buffers. The submitted landscape plan shows a tree spacing of 50 feet in the south L1 buffer, and no tree is shown in the northeast corner of the site at the junction of the two 10 foot wide L3 buffers. A final landscape plan will be required which shows the required tree spacing. **(See Conditions A-8.a and b)**

The landscape plan indicates Columnar Norway Maples for the south side L1 buffer, however these trees exceed a mature height of 25 feet, and are not acceptable to plant under the overhead utility lines which exist on this side of NW 122nd Street. The final landscape plan shall indicate a species of trees from the Standard Details Manual that will not exceed a height of 25 feet. **(See Condition A-8.c)**

Required landscape buffers are located within the boundaries of the lots. Therefore, a covenant to ensure installation, maintenance, and preservation of the required landscape buffers is required. **(See Condition D-4.f)**

Prior to the issuance of a certificate of occupancy, a letter from a licensed landscape architect must be provided which verifies that the required landscaping has been installed in compliance with the approved landscape plan. **(See Condition F-1)**

Finding 6 Limits of Subdivision

As noted in the Public Comments section, the property owner to the east of the site, Phil Burnett asserts that he has maintained approximately 18 feet of what the application survey indicates as the east property line. In the event that a successful adverse possession claim is made, approximately 18 feet could be lost from the subdivision area, and only 17 lots could be platted. Should only 17 lots be platted, the minimum density would still be met with 17 lots, and no apparent impacts to the neighborhood would result which should preclude preliminary plat approval, with the understanding that the final plat could be for either 17 or 18 lots.

Conclusion (Land Use):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the land use requirements of the Clark County Code.

CRITICAL AREAS:

Finding 7 Critical Areas

No known critical areas exist on the site.

TRANSPORTATION CONCURRENCY:

Finding 8 Trip Generation

County concurrency staff has reviewed the proposed Townhomes at Felida Park Subdivision consisting of 18 townhouse units. The applicant's traffic study has estimated the net weekday AM peak-hour trip generation at 13 new trips, while the net PM peak-hour trip generation is estimated at 15 new trips using nationally accepted data published by the Institute of Transportation Engineers.

Finding 9 Site Access

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences a LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Congestion, or concurrency, level of service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site. All of the site access intersections analyzed in the applicant's traffic study will have an estimated LOS C or better during the peak traffic hours at the future build-out of the proposed development.

Finding 10 Concurrency

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020(B). The proposed development is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance within 1 mile of the proposed development. The County's Traffix™ model includes many of the intersections of regional significance in the area and the County's model, along with the applicant's traffic study, was used to evaluate concurrency compliance. The modeling results and applicant's traffic study indicate that the operating levels comply with travel speed and delay standards. These results assume the installation of the traffic signal that is under construction at the intersection of NW 119th Street and NW 36th Avenue. Since this project is considered reasonably funded, no conditions of approval to ensure construction are necessary.

The County incurs costs to analyze the proposed development's impacts; therefore, the applicant should reimburse the County for costs incurred in running the concurrency model. **(See Condition A-1)**

SAFETY

Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis,
- turn lane warrant analysis,
- accident analysis, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that "nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020."

Finding 11 Traffic Signal Warrants

The applicant's traffic study did not analyze traffic signal warrants due to a LOS C at the two off-set intersections of NW 122nd Street on NW 36th Avenue. In addition, the volumes at these two intersections would be too low to warrant a traffic signal installation. All other regionally significant intersections are included in the county's models and they do not appear to meet signal warrants. Therefore, mitigation to install a traffic signal is not warranted.

Finding 12 Turn Lane Warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

The applicant's traffic study did not analyze the need for turn lanes on NW 36th Avenue at the two off-set intersections of NW 122nd Street. However, the county will be changing the striping on NW 36th Avenue to a configuration that includes a center left turn lane. Therefore, further analysis was not necessary.

The applicant's traffic study analyzed the off-set spacing of the two NW 122nd Street intersections on NW 36th Avenue to see if there is a problem with the spacing. The accident history in the area indicates that the collision potential will be lessened by the striping change the county will be doing on NW 36th Avenue during the late summer of 2006. In addition, a queue analysis done by county staff found that 25 feet of storage is needed for the northbound left and southbound left turning movements. Since there is 200 feet between the two intersections, a conflict between the northbound and southbound queuing vehicles is not expected to be problematic or hazardous.

Finding 13 Historical Accident Situation

The applicant's traffic study analyzed the accident history at the intersections in the vicinity of the site. The historical accident rate at these locations does not exceed thresholds that would warrant additional analysis. The accident history along NW 36th Avenue is expected to improve with the lane striping change that the county will be doing during the late summer of 2006.

Conclusion

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation concurrency ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan meets the requirements of the county transportation concurrency ordinance CCC 40.350.020.

TRANSPORTATION:

Finding 14 Pedestrian/Bicycle Circulation

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. The development plans propose a sidewalk along the frontage road. Bike lanes are not required for local access roads. The required improvements along NE 122nd Street abutting the south boundary will provide for pedestrian circulation along this road. Based upon this information, staff finds that the proposed pedestrian/bicycle circulation complies with Section CCC 40.350.010.

Finding 15 Circulation Plan

In compliance with Section CCC 40.350.030(B)(2), the circulation plan shall provide adequate cross-circulation for serving the proposed subdivision and allow future developments to meet the cross circulation standards. The evidence submitted with this application shows that there is no feasibility of additional cross circulation roads within and in the vicinity of this development that could reasonably accomplish this purpose.

Based upon this information, staff finds that the proposed circulation complies with Section CCC 40.350.030(B)(2).

Finding 16 Frontage Road

NW 122nd is classified as an urban local residential road. This roadway, as shown on the Preliminary Plat meets the required pavement and sidewalk widths as shown on Clark County's standard drawing #14. Any power poles that conflict with the improvements as shown on said drawing must be relocated or improvements must be adjusted through drawing options or an approved road modification. **(See Condition A-2.a)**

Conclusion (Transportation):

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.)

STORMWATER:

Finding 17 Applicability

The Stormwater and Erosion Control Ordinance CCC 40.380 applies to development activities that result in 2,000 square feet or more of new impervious area within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities, except those exempted in Section CCC 40.380.030(A).

The project will create more than 2,000 square feet of new impervious surface, involves platting of single-family residential subdivision, and it is a land disturbing activity not exempted in Section CCC 40.380.030(A). Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance, CCC 40.380.

The erosion control ordinance is intended to minimize the potential for erosion; a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Finding 18 Stormwater Proposal

The project's preliminary stormwater report proposes to achieve the required stormwater quality within the existing Contech Stormwater Solutions Stormfilter vault. The proposed stormwater facilities are located within the Falcon's Rest subdivision and within the right-of-way of NW 122nd Street near the southeast corner of the site. The applicant shall provide written verification from Falcon's Rest that the use of the existing offsite stormwater quality mitigation facility by the Townhomes at Felida is acceptable to the owners of Falcon's Rest development. The Falcon's Rest stormwater facility will be privately owned and maintained. The catch basin filter in the right of way will be publicly owned and maintained. The proposed water quality facility will be designed to treat 70% of the 2-year, 24-hour storms, as required. **(See Conditions A-4.a, A-4.b and A-11.a)**

The report indicates that the stormwater quantity control will be achieved by the Falcon's Rest above ground detention pond. Detained and treated stormwater runoff will be released into an existing public conveyance system located in NW 21st Avenue. The project, as required, proposes to limit the runoff release rate at peak rates equal to

one-half of the pre-developed 2-year, 24-hour storm peak runoff rate; and not exceeding 10-year and 100-year pre-developed runoff rates. The facilities consist of adding 3 cartridges to the Falcon's Rest StormFilter vault and installing one Contech Stormwater Solutions Storm Filter catch basin in the right of way of NW 122nd Street. The Contech Stormwater Solutions Storm Filter catch basin shall be a concrete vault or other vault material acceptable to the county. **(See Condition A-4.c)**

All stormwater conveyance conduit shall be designed such that a flow of at least 3 feet per second will be achieved under full flow conditions. **(See Condition A.4.d)**

Finding 19 Site Conditions and Stormwater Issues

The property is 1.14 acres in area with slopes of 0-5% over 100% of the site. The preliminary stormwater report indicates that approximately 0.21 acres will be developed with impervious areas such as roads, sidewalks, and driveways. These new impervious areas, along with portions of the existing road will be treated before release. An additional 0.81 acre of impervious roof area will result from construction of the townhouse units.

The National Resources conservation service (NRCS) mapping shows the site to be underlain by Hillsboro soil (HoA), classified by AASHTO as A-4 soils. This soil is designated as hydrologic group "B". CCC 40.380 does not list A-4 soils as suitable for infiltration; therefore, disposal of stormwater runoff by infiltration is not proposed.

The project proposes to discharge the un-detained stormwater runoff directly into Lake River in accordance with CCC 40.380.040(C)(5). A public stormwater conveyance system is currently exists in NW 122nd Street. In accordance with the provisions of Section CCC 40.380.040(B)(2), all development activities require to prepare a final stormwater control plan shall conduct an analysis of off-site water quality impacts resulting from the development activities and shall mitigate their impacts. This project will be required to perform an offsite analysis extending a minimum of one-fourth of a mile downstream from the development. **(See Condition A-4.e)**

Conclusion (Stormwater):

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan is feasible subject to conditions. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 20 Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office who can be reached at (360) 397-2375 x4095 or 3323. Information can also be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions, or if additional information is required, please contact Tom immediately.

Finding 21 Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific

requirements may be made at the time of building construction as a result of the permit review and approval process. **(See Condition E-1)**

Finding 22 Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied for 60 minutes duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is currently available at the site. Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. **(See Conditions A-10.a and D-3.a)**

Finding 23 Fire Hydrants

Fire hydrants are required for this application. The indicated number and spacing of the fire hydrants is adequate. **(See Condition A-10.b)**

Finding 24 - Fire Apparatus Access

The roadways and maneuvering areas as indicated in the application meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. **(See Condition A-10.c)**

Conclusion (Fire Protection):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

WATER & SEWER SERVICE:

Finding 25 Availability

The site will be served by the Clark Public Utilities water district and the Clark Regional Wastewater sewer district. Letters from the above districts confirm that services are available to the site.

Finding 26 Existing Systems

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter serves as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). **(See Condition A-9)**

Conclusion (Water & Sewer Service):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:

Finding 27 Traffic, School, and Park District Fees

Additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF) and Park (PIF) Impact Fees in accordance with CCC 40.610.

The site is located within:

- Vancouver School District with a SIF of \$1,450.00 per dwelling;
- Park District #9 with a PIF of \$1,472.00 per dwelling (\$1,151.00 for acquisition and \$321.00 for development);
- Hazel Dell sub-area with a TIF of \$871.68 per dwelling.

Impact fees shall be paid prior to issuance of building permits for each new lot. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate. **(See Conditions D-4.e and E-2).**

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval); or,
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (DNS). Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on August 7, 2006, is hereby final.

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$178**,

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Jan Bazala, (360) 397-2375, ext. 4499.
Susan Ellinger, (360) 397-2375, ext. 4272.

Responsible Official: Michael V. Butts

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810**

RECOMMENDATION

Based upon the proposed plan (identified as Exhibit 5), and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A	Final Construction/Site Plan Review Review & Approval Authority: Development Engineering
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Prior to construction, a Final Construction/Site Plan shall be submitted for review and approved, consistent with the approved preliminary plan and the following conditions of approval:

A-1 Final Transportation Plan/Off Site (Concurrency) -

The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,500. The reimbursement shall be made prior to final plat approval.

A-2 Final Transportation Plan/On-Site - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. Any power poles that conflict with the improvements along NW 122nd Street as shown on Clark County's standard drawing #14 shall be relocated or improvements must be adjusted through drawing options or an approved road modification. **(See Finding 16)**

A-3 Transportation:

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control

Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

A-4 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380 and the following conditions of approval:

- a. The applicant shall provide written verification from the owners of the Falcon's Rest subdivision to use the offsite stormwater facilities.
- b. The proposed stormwater quality mitigation facility shall be designed to treat 70% of the 2-year, 24-hour storms, as required.
- c. The Contech Stormwater Solutions Storm Filter catch basin shall be a concrete vault or other vault material acceptable to the county.
- d. The stormwater velocity when the pipes are flowing full shall equal to, or greater than, 3 ft./second.
- e. This project shall perform an offsite analysis extending a minimum of one-fourth of a mile downstream from the development. **(See Finding 18)**

A-5 Erosion Control Plan - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380

A-8 Final Landscape Plan - The applicant shall submit and obtain county approval of final landscape plan designed in accordance with CCC 40.320, and the following conditions of approval:

- a. Tree spacing shall not exceed 30 linear feet in the south L1 landscape buffer.
- b. One additional tree shall be provided in the northeast corner of the site.
- c. Trees with a mature height of less than 25 feet shall be selected for the street trees within the right of way of NW 122nd Street. **(See Finding 5)**

A-9 Health Department Review - Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department. **(See Finding 22)**

A-10 Fire Marshal Requirements:

- a. Fire Flow; Fire flow in the amount of 1000 gallons per minute supplied for 60 minutes duration is required for this application. Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. **(See Finding 22)**
- b. Fire hydrants are required for this application. The indicated number and the spacing of the fire hydrants is adequate. **(See Finding 23)**
- c. Fire Apparatus Access: Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. **(See Finding 24)**

A-11 Other Documents Required – The following documents shall be submitted with the Final Construction/Site Plan:

- a. Developer's Covenant: - A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.0 **(See Finding 18)**

A-12 Excavation and Grading - Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC); and, drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

A-13 Building Height – Building elevations shall be submitted with the final plat that clearly show a maximum building height of 35 feet to the peak of the roof, or as modified through a post decision review and variance. **(See Finding 2)**

A-14 Setbacks - Foundation footprints shall maintain a minimum 4 foot setback from side property lines. Overhanging architectural features, including gutters, shall maintain a minimum three foot setback to the property line unless appropriate fire rated construction is utilized. **(See Finding 5)**

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

- B-1 Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- B-2 Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-3 Erosion Control** - Erosion control facilities shall not be removed without County approval.

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

- C-1 None**

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

- D-1** All lots in the proposed plat must connect to an approved public sewer and water systems. A copy of the final acceptance letter from the sewer and water purveyor shall be submitted to the Health District with the final plat mylar. The applicant shall comply with all requirements of the purveyor. **(See Finding 26)**
- D-2 Setbacks and Building Envelopes –**
- a.** Front Setbacks, including both a ten foot front setback to living areas and an 18 foot setback to garages shall be shown on the final plat. **(See Finding 2)**
 - b.** Side setbacks may be reduced to four feet. **(See Finding 4)**
- D-3 Fire Marshal Requirements:**
- a.** Fire flow in the amount of 1,000 gallons per minute supplied for 60 minutes duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is currently available at

the site. Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval.

D-4 Developer Covenant – A “Developer Covenant to Clark County” shall be submitted for recording to include the following:

- a. Critical Aquifer Recharge Areas - "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- b. Erosion Control - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- c. Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.
- d. Archaeological (all plats): "If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- e. Impact Fees: "In accordance with CCC 40.610, the School, Park and Traffic Impact Fees for each dwelling in this subdivision are: \$ 1,450.00 (Vancouver School District), \$1,472.00 (\$1,151.00 - Acquisition; \$321.00 - Development for Park District #9), and \$ 871.68 (Hazel Dell TIF subarea) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees

for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule.”

- f. A covenant running with the land shall be recorded with the final plat that requires the owners of lots containing the required landscape buffers to maintain the landscaping in accordance with the approved final landscape plan. **(See Finding 3)**

D-5 Plat Notes - The following notes shall be placed on the final plat:

- a. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."
- b. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- c. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- d. Setback Variance: "A variance to allow side setbacks of no less than four feet have been approved for the subdivision."

D-6 Landscaping in right-of-way - Landscaping shall be installed within the right-of-way of NW 122nd Street along the entire width of the development in accordance with the Standard Details Manual. In order to ensure that the landscaping has been installed in conformance with the approved landscape plan(s) the applicant shall submit the following information:

A copy of the approved landscape plan(s) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site. Any substituted plants shall be no smaller than those shown on the approved plan(s) and shall have similar characteristics in terms of height, drought tolerance and suitability for screening. **(See Finding 5)**

E	Building Permits
	Review & Approval Authority: Customer Service

Prior to issuance of a building permit, the following conditions shall be met:

- E-1** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.
- E-2 Impact Fees** - The applicant shall pay impact fees for each dwelling in the subdivision, except for one lot designated on the final plat as waived, as follows:
- a. \$1,450 per dwelling for School Impact Fees (Vancouver School Dist.)
 - b. \$1,337 per dwelling for Park Impact Fees (\$1,056 – Acquisition; \$321 – Development for Park District #7);
 - c. \$881.64 per dwelling for Traffic Impact Fees (Orchards TIF Sub-area)
- If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate. **(See Finding)**

F	Occupancy Permits Review & Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

- F-1** The required landscape buffers (including the 6 foot high solid fence along the north, east, and west borders of the site) within individual lots shall be installed. In order to ensure that the landscaping has been installed in conformance with the approved landscape plan(s) the applicant shall submit the following information:

A copy of the approved landscape plan(s) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site. Any substituted plants shall be no smaller than those shown on the approved plan(s) and shall have similar characteristics in terms of height, drought tolerance and suitability for screening. **(See Finding 5)**

G	Development Review Timelines Review & Approval Authority: None - Advisory to Applicant
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- G-1 Land Division** - Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

<p>Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be</p>
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required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

Appeal Filing Deadline:

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$266**.

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

The Board of Commissioners shall hear appeals of decisions based upon the written record before the examiners, the examiner's decision, and any written comments

received in the office of the Board within the following submittal deadlines measured from the date of the filing of the appeal:

- Fourteen (14) calendar days for the appellant's initial comments;
- Twenty-eight (28) calendar days for all responding comments; and,
- Thirty-five (35) calendar days for appellant reply comments, which are limited to the issues raised in the respondent's comments.

Written comments shall be limited to arguments asserting error in or support of the examiner decision based upon the evidence presented to the examiner.

Unless otherwise determined by the Board for a specific appeal, the Board shall consider appeals once a month, on a reoccurring day of each month. The day of the month on which appeals are considered shall be consistent from month to month as determined by Board.

The Board may either decide the appeal at the designated meeting or continue the matter to a limited hearing for receipt of oral argument. If continued, the Board of Commissioners shall designate the parties or their representatives to present argument, and permissible length thereof, in a manner calculated to afford a fair hearing of the issues specified by the Board of Commissioners. At the conclusion of its public meeting or limited hearing for receipt of oral legal argument, the Board of Commissioners may affirm, reverse, modify or remand an appealed decision.

Attachments:

- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:

Web Page at: <http://www.clark.wa.gov>

For Staff Only:

Final Plans Required with Construction Plans	YES	NO
Final Site Plan	X	
Final Landscape Plan:	X	

-On-site landscape plan	X	
-Right-of-way landscape plan*		X
Final Wetland Plan		X
Final Habitat Plan		X

*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

Note: If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.